

AMENDED IN SENATE JUNE 23, 2008

AMENDED IN ASSEMBLY APRIL 16, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1836

Introduced by Assembly Members Feuer and Levine

(Principal coauthor: Senator Negrete McLeod)

January 24, 2008

~~An act to amend Sections 53395.5, 53395.6, 53395.7, 53395.8, 53395.14, 53395.19, 53395.20, 53396, 53397.1 and 53397.2 of, and repeal Sections 53395.21, 53395.22, 53395.23, 53395.24, 53395.25, 53397.4, 53397.5, 53397.6, and 53397.7 of, the Government Code, relating to infrastructure financing districts. An act to amend Section 53395.14 of, and to add Section 53395.95 to, the Government Code, relating to infrastructure financing districts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1836, as amended, Feuer. Infrastructure Financing ~~Districts: voter approval; repeal. Districts.~~

~~Existing~~

(1) *Existing* law allows a legislative body, as defined, to create an infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities, upon voter approval. *The infrastructure financing plan is required to include a date, to be no more than 30 years from the date on which the ordinance forming the district is adopted, on which the district will cease to exist.*

~~This bill would eliminate the requirement of voter approval and allow the legislative body to create the district, adopt the plan, and issue the~~

~~bonds by resolutions~~ require that the date in the infrastructure financing plan on which the district will cease to exist be no more than 40 years from the date on which the ordinance forming the district is adopted.

(2) Existing law requires an election, after a hearing, to form an infrastructure financing district within a city, and the approval by a $\frac{2}{3}$ vote of the electors within that district for the issuance of bonds.

This bill would authorize the legislative body of a city to form a district to finance public transit facilities, and issue bonds, without an election, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53395.14 of the Government Code is
2 amended to read:

3 53395.14. After receipt of a copy of the resolution of intention
4 to establish a district, the official designated pursuant to Section
5 53395.13 shall prepare a proposed infrastructure financing plan.
6 The infrastructure financing plan shall be consistent with the
7 general plan of the city within which the district is located and
8 shall include all of the following:

9 (a) A map and legal description of the proposed district, which
10 may include all or a portion of the district designated by the
11 legislative body in its resolution of intention.

12 (b) A description of the public facilities required to serve the
13 development proposed in the area of the district including those
14 to be provided by the private sector, those to be provided by
15 governmental entities without assistance under this chapter, those
16 public improvements and facilities to be financed with assistance
17 from the proposed district, and those to be provided jointly. The
18 description shall include the proposed location, timing, and costs
19 of the public improvements and facilities.

20 (c) A finding that the public facilities are of communitywide
21 significance and provide significant benefits to an area larger than
22 the area of the district.

23 (d) A financing section, which shall contain all of the following
24 information:

25 (1) A specification of the maximum portion of the incremental
26 tax revenue of the city and of each affected taxing entity proposed

1 to be committed to the district for each year during which the
2 district will receive incremental tax revenue. The portion need not
3 be the same for all affected taxing entities. The portion may change
4 over time.

5 (2) A projection of the amount of tax revenues expected to be
6 received by the district in each year during which the district will
7 receive tax revenues, including an estimate of the amount of tax
8 revenues attributable to each affected taxing entity for each year.

9 (3) A plan for financing the public facilities to be assisted by
10 the district, including a detailed description of any intention to
11 incur debt.

12 (4) A limit on the total number of dollars of taxes which may
13 be allocated to the district pursuant to the plan.

14 (5) A date on which the district will cease to exist, by which
15 time all tax allocation to the district will end. The date shall not
16 be more than ~~30~~ 40 years from the date on which the ordinance
17 forming the district is adopted pursuant to Section 53395.23.

18 (6) An analysis of the costs to the city of providing facilities
19 and services to the area of the district while the area is being
20 developed and after the area is developed. The plan shall also
21 include an analysis of the tax, fee, charge, and other revenues
22 expected to be received by the city as a result of expected
23 development in the area of the district.

24 (7) An analysis of the projected fiscal impact of the district and
25 the associated development upon each affected taxing entity.

26 (e) If any dwelling units occupied by persons or families of low
27 or moderate income are proposed to be removed or destroyed in
28 the course of private development or public works construction
29 within the area of the district, a plan providing for replacement of
30 those units and relocation of those persons or families consistent
31 with the requirements of Section 53395.5.

32 *SEC. 2. Section 53395.95 is added to the Government Code,*
33 *to read:*

34 *53395.95. With respect to a district formed solely to finance*
35 *public transit facilities, the following shall apply:*

36 *(a) Notwithstanding Sections 53395.20, 53395.21, 53395.22,*
37 *53395.23, 53395.24, and 53395.25, no election shall be required*
38 *to form the district. The legislative body may, by ordinance, adopt*
39 *the infrastructure financing plan and create the district.*

1 ***(b) Notwithstanding Section 53397.6, no election shall be***
2 ***required to issue bonds. The legislative body may, by resolution,***
3 ***provide for the issuance of bonds.***

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Assembly, April 16, 2008. (JR11)**

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